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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
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| 09/823,377  | 03/30/2001  | Ahmet Mufit Ferman   | KLR 7146.105               | 7388                   |
| 55648   | 7590        | 05/03/2007           |                            |                        |
| KEVIN L. RUSSELL<br>CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP<br>1600 ODSOWER<br>601 SW SECOND AVENUE<br>PORTLAND, OR 97204 |             |                      | EXAMINER<br>SHANG, ANNAN Q |                        |
|   |             |                      | ART UNIT<br>2623           | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>05/03/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/823,377

Applicant(s)

FERMAN ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-38 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-38 and 42-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/23/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/07 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-10, 24-27 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by **Labeeb et al (2003/0093792)**.

As to claims 6-10, note the **Labeeb** reference figures 1-5, discloses method and apparatus for delivery of TV programs and targeted advertising and further discloses in combination with an audiovisual information management system resident

on an electronic device having a memory, a description scheme for at least one of an audio, an image, and video comprising a plurality of frames comprising:

Information about a user with respect to at least one of audio, image and video based upon interaction of the at least one of the audio, image, and video and the profile information includes at least one type characterized by, at least in part, a time associated with the at least audio, image and video (figs.1-5, page 3, [0067-0071], [0077]); and the description scheme includes at least one type characterized by, at least in part, time associated with the at least one of audio, image and video, the time expressed in coordinated universal time and media time (page 37, [0795-0817], [1072-1081]).

As to claims 24-27 and 45, **Labeeb** further disclose in figures 1-5, a method and apparatus for delivery of TV programs and targeted advertising and further discloses in combination with an audiovisual information management system resident on an electronic device having a memory, a description scheme for at least one of an audio, an image, and video comprising a plurality of frames comprising:

Information about a user with respect to at least one of audio, image and video based upon interaction of the at least one of the audio, image, and video and the profile information includes at least one type characterized by, at least in part, a time associated with the at least audio, image and video and processes information to determine preferences of the user (figs.1-5, page 3, [0067-0071], [0077]); and the usage history description scheme includes data indicating whether personal identification information of the user is intended to be revealed to third parties ([2911-2912], [2926],

[2936] and [3018-3023]), note that Labeeb monitors various payment preferences or options including advertisement and protects the security of the viewer from third parties

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 11-16, 19-23, 28-38, 42-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maissel et al (6,637,029)** in view of **Osawa et al (5,956,037)**.

As to claims 2-5, note the **Maissel** reference figures 1-3, discloses a subscriber unit for receiving a program schedule, a profile storage unit for storing at least viewer preference, etc., and further discloses An electronic device for receiving a plurality of content comprising at least one of audio, an image, and a video, the electronic device comprising:

A receptacle (Receiver 'R' 110) for receiving a selectively insertable mobile storage device storing a usage preferences description scheme that describes current preferences of a user with respect to the at least one of an audio, an image, or a video (160, Diskette or Smart Card, col.14, line 54-col.15, line 16) comprising:

A memory storing a usage history description scheme for the at least one of an audio, an image and a video comprising a plurality of frames, the usage history description scheme (figs.1-2, col.12, line 16-col.14, line 53) comprising:

Information stored in the memory about a user about a user with respect to at least one of audio, image and video, based upon the viewer's interaction or previous usage of the at least one of the audio, image, and video and the profile information includes at least one description type defined by, at least in part, a thesaurus describing possible user actions where the electronic device is capable of retrieving the usage preferences description scheme from the mobile storage device when inserted into the receptacle and based upon the retrieved usage preferences description scheme, automatically identifying selective portions of the content, and where the electronic device periodically automatically updates the usage preferences description scheme to be stored on the mobile storage device, based upon the usage history description scheme and capturing content for usage history description scheme at a selectable level of detail based on the user's actions and at multiple levels of granularity (col.12, line 16-col.14, line 53, col.14, line 54-col.15, line 16 and line 38-col.16, line 11).

Maissel fails to explicitly teach where the history includes VCR-like functions, such as: pausing, fast-forwarding, reversing or rewinding, skipping, etc., of the content of at least one of audio and video, selected portions of the content descriptions.

However, **Osawa** discloses in figures 1-3, a video information providing/receiving system where the providing unit (Host 208) includes video information editing unit (211), which edits video based on extracted operation history information of User Terminal (UT) 200, which includes various VCR-like functions and further teaches using previous operation history to playback other video thereby providing the flexibility of the user to

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manipulate the video at various levels as desired (col.2, lines 43-52, col.3, line 62-col.4, line 24, line 37-col.5, line 19 and col.7, line 26-col.8, line 1+ and col.11, lines 27-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Osawa into the system of Maissel to edit the video and audio information based on operation history or VCR-like functions of the user, thereby when a user edits/processes received video information with his or her video recoding unit, he or she should perform the required operations while seeing the display.

As to claims 11-15, the claimed "In combination with an audiovisual information management..." is composed of the same structural elements that were discussed with respect to the rejection of claims 2-5.

As to claims 16 and 19-23, the claimed "In combination with an audiovisual information management..." is composed of the same structural elements that were discussed with respect to the rejection of claims 2-5.

As to claims 28-33, the claimed "In combination with an audiovisual information management..." is composed of the same structural elements that were discussed with respect to the rejection of claims 2-5.

As to claims 34-36, the claimed "In combination with an audiovisual information management..." is composed of the same structural elements that were discussed with respect to the rejection of claims 2-5.

As to claims 37-38, Maissel further discloses where the content, is used by parents to track their children's viewing habits and access to objectionable content (col.11, lines 30-37 and col14, lines 20-53).

Claims 42-44 and 46-48 are met as previously discussed with respect to claims 2-5.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maissel et al (6,637,029)** in view of **Osawa et al (5,956,037)** as applied to claim 16 above and further in view of **Labeeb et al (2003/0093792)**.

As to claims 17-18, Maissel as modified by Osawa, fail to explicitly teach where the level of details is based on the capabilities of the system and suitable for interchangeability with other systems.

However, Labeeb further discloses where the level of details is based on the capabilities of the system and suitable for interchangeability with other systems ([0167], [0205], [0262], [1791] and [2820+]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Labeeb into the system of Maissel as modified by Osawa to encode multiple versions of data to meet processing capabilities of various devices.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2-38 and 42-48 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection. **This office action is non-final.**

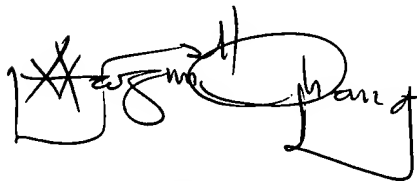


***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', written over a rectangular box.

**Annan Q. Shang**